



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

TOWNSEND, TOWNSEND and CREW, LLP  
TWO EMBARCADERO CENTER, 8<sup>TH</sup> FLOOR  
SAN FRANCISCO, CALIFORNIA 94111-3834

In re Application of :WATANABE  
Application No. 10/632,467  
Filed: AUGUST 1, 2003  
For: METHOD OF MANAGING  
GENERATION OF BACKUP DATA AND  
SORTAGE CONTROL DEVICE USED  
THEREFOR

MAIL

MAR 14 2005

DIRECTOR OFFICE  
TECHNOLOGY CENTER 2100

DECISION ON PETITION  
FOR ACCELERATED  
EXAMINATION UNDER  
M.P.E.P. §708.02(VIII) & 37 C.F.R. 102(d)

This is a decision on the petition filed November 12, 2004 under 37 C.F.R. 102(d) and M.P.E.P. § 708.02(VIII): Accelerated Examination, to make the above-identified application special.

The Petition is **GRANTED**.

M.P.E.P. § 708.02, Section VIII which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. § 102(d) states in relevant part:

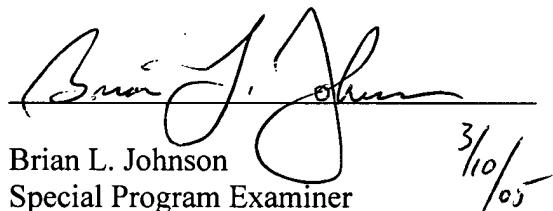
A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:

- (a) Submits a petition to make special accompanied by the fee set forth in 37 CFR 1.17(h);
- (b) Presents all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status;
- (c) Submits a statement(s) that a pre-examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. The pre-examination search must be directed to the invention as claimed in the application for which special status is requested. A search made by a foreign patent office satisfies this requirement;
- (d) Submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and

(e) Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is patentable over the references.

Petition to Make Special **GRANTED** since all of the requirements for special status under MPEP § 708.02(VIII) have been met.

The application file is being forwarded to the Examiner for accelerated examination in accordance with the procedures set forth in M.P.E.P. §708.02, Section VIII. If the application is subsequently allowed, it will be given priority for printing. See M.P.E.P. §1309.



Brian L. Johnson

Brian L. Johnson  
Special Program Examiner  
Technology Center 2100  
Computer Architecture, Software and Information Security  
571-272-3595

3/10/05

JC